

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
6:30 P.M.**

November 19, 2002

MINUTES

1. Call to Order

Mayor Simpson called the Meeting to Order at 6:30 p.m. and announced a quorum was present.

Council members present were: Mayor Simpson, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Nichols, Council member Allen, Council member West and Council member Lafata.

Staff present were: City Manager George Purefoy, Assistant City Manager Scott Young, Assistant, Assistant City Manager Jason Gray, Director of Planning and Development John Lettelleir, Zoning & Subdivision Administrator Doug Mousel, Engineer Hulen Webb, City Attorney Richard Abernathy and City Secretary Nan Parker.

2. Invocation

Reverend Clay Lein, St. Phillips Episcopal Church led the invocation.

3. Pledge of Allegiance.

Deputy Mayor Pro-Tem Maso led the audience in the Pledge of Allegiance.

4. Citizen Input. (To begin approximately at 7:30 p.m.)

There was no one present to speak during citizen input.

5. Reports

- a) Report and update on the screening wall and lighting improvements for Hillcrest Medical Center located at the southeast corner of Lebanon Road and Hillcrest Road. (Planning)

Director of Planning & Development informed the Council that staff had met with the developer, the following items were discussed and are to be resolved:

- The light poles on the perimeter of the property are scheduled to be reduced from 30-feet to 20-feet as required by ordinance. Building Inspection performed the photometric test, however, the results were not available at the time of the meeting.
- The brick has been ordered for the elevation of the masonry-screening wall. Mr. Lettelleir stated the remodel of the wall would begin after the first of the year. Council member Allen stated that wall would be constructed at eight (8') the length of the entire wall, including the northern end.

Beth Simmons was present and thanked the Council and Staff for listening to, and taking action to resolve the surrounding property owners' concerns.

Discussion only, no formal action was taken.

- b) Report and update on altering the street design for the non-built portion of High Shoals Drive east of the Pioneer Middle School. (Planning)

Director of Planning and Development John Lettelleir addressed the Council regarding the possibility of traffic calming on High Shoals Drive since the collector street provides a straight connection from Twin Falls Drive to Teel Parkway. He stated that Staff had reviewed two traffic-calming proposals and they are waiting for a response from the developer, David Siciliano, regarding his cost estimates/bid on both alternates. Mr. Lettelleir stated that Mr. Siciliano should have the cost finalized by the December 3rd City Council Meeting.

Discussion only, no formal action was taken.

- c) Monthly Public Works Report

No comments.

- d) Staff Update on Water System Improvements with Prosper

The Staff updated the Council on possible water system improvements with Prosper. The discussion centered around the sale of water to Prosper, installation of lines to move water to Prosper, and the benefit of having water lines in place to service properties that the City of Frisco will annex in the future. Staff asked for direction from the Council to pursue the issue; the general consensus of the Council to Staff was to research the feasibility and report back at a later date.

e) Project Status Tracking Report

No comments.

f) Update on Information Technology Master Plan

Assistant City Manager Jason Gray updated the Council on the Information Technology Master Plan. He stated that the item would be on the December 3, 2002 Council agenda and he requested Council input regarding the plan prior to the Meeting. Mr. Gray stated that, if necessary, a work session could be scheduled.

6. Consent Agenda:

The Consent Agenda was considered for approval. Mayor Pro-Tem Reveal moved to remove Item F. for separate discussion. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Council member Allen moved to approve the Consent Agenda, excluding Item F. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

A) Approval of the minutes of the Regular City Council Meeting of October 15, 2002 and the Regular City Council Meeting of November 5, 2002. (City Secretary)

B) Approval of Tax Refund over \$500.00. (Tax Department)

C) Adoption of **Resolution No. 02-11-174R** therein scheduling a Public Hearing on a proposed involuntary annexation of 1.3± acres on the west side of Preston Road, 400± feet south of Fisher Road. Neighborhood #11. (Case IA2002-25) (Planning)

D) Approval of final Retainage Payment in the amount of \$4,565.05 to NEMA 3 Electric, Inc. for athletic field lighting at the Youth Center Park. (Parks and Recreation)

E) Approval of payment of Invoice Number 140005 in the amount of \$1,862.38 to Newman, Jackson, Bieberstein Landscape Architecture for Professional Services for the Trails of Frisco Neighborhood Park. Work performed during period 9/12/02 through 10/18/02. (Parks and Recreation)

F) **Adoption of Resolution NO. 02-11-175R therein establishing the director of the Parks and Recreation Department to oversee the care of trees, shrubs, and other vegetation on City-owned property in the City of Frisco, Texas. (Parks and Recreation)**

Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-11-175R** subject to the additional language in the body of the Resolution that states, "The Director of Parks & Recreation Department **and/or his designee**. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

G) Approval of the Pay Estimate Number 8 for the Eldorado Parkway extension to FM 2934 to Frisco Industrial Partners, Ltd. in the amount of \$119,324.10. (Engineering)

H) Approval of Pay Estimate Number 11 for the Custer Road Pump Station Improvements Projects to Gracon Construction, Inc. in the amount of \$44,952.12. (Engineering)

I) Approval of Pay Estimate Number 12 for Eldorado Parkway (Preston Road to Hillcrest Road) to Site Concrete, Inc. in the amount of \$38,406.54. (Engineering)

J) Approval of payment of Application Number 13 for \$84,000.00 to Owens Commercial Construction, Inc. for Fire Station 4. (Fire Department)

K) Adoption of **Resolution No. 02-11-176R** authorizing the City Manager to execute an Agreement by and between the City of Frisco and Texas Department of Transportation for a Selective Traffic Enforcement Program (STEP) Wave Grant wherein the Texas Department of Transportation will provide funds for the program. (Police Department)

L) Consider and act upon approval of Pay Advance Number 13 in the amount of \$5,981,132.70 to HCBeck for work regarding the Frisco Sports Complex. (City Manager's Office/SY)

M) Consider and act upon Payment of Invoices 1582, 1584, and 1585 in the total amount of \$7,583.50 to QTE Group, Inc. for Frisco Square, Phase 3. (Engineering)

END OF CONSENT AGENDA

7. Legislative Agenda:

The Legislative Agenda was considered for approval. Deputy Mayor Pro-Tem Maso moved to adopt the Legislative Agenda. Council member Lafata seconded the motion. Motion carried. Vote: 5-0. (Mayor Pro-Tem Reveal stepped away from the table and did not vote, not due to a conflict of interest.)

- A) Consider and act upon approval of a Final Plat and Conveyance Plat: The Market at Preston Ridge, Phase 1, Block A, Lots 1 and 2. A retail building on two lots on 7.2± acres on the south side of Gaylord Parkway 1,130± feet west of Preston Road. Zoned Planned Development-25-Business Center. Neighborhood #35. Applicant(s): Briar Preston Ridge Partners, L.P. (Planning)
- B) Consider and act upon approval of a Preliminary Site Plan & Conveyance Plat: Legacy West, Block A, Lots 1-5. Three retail buildings, one bank, and one restaurant with drive-through on five lots on 10.7± acres at the southwest corner of Lebanon Road and Legacy Drive. Zoned Planned Development-33-Business Center. Neighborhood #32. Applicant(s): Regency Centers (Planning)

END OF LEGISLATIVE AGENDA

Regular Agenda:

8. Update on Main Street construction. (Engineering)

City Engineer Frank Jaromin addressed the Council regarding update on Main Street construction. Mark Hill, Engineer, Hunter Associates, Inc. was present to address the Council and updated them on the Phases for Main Street construction.

Beth Buck, Rudolph Smith, Pearl Morris, Harold Bacchus, Lloyd and Ty O'Neal were present to address the Council with various concerns regarding the construction of Main Street.

Don Burks, President of the Downtown Merchants' Association, spoke on behalf of the Downtown Merchants' Association, in favor of the proposed downtown Main Street construction plan.

Following discussion, the Council agreed to conduct a work session, date to be determined, regarding Main Street construction.

9. Consider and act upon request by Southwest Sports Group Baseball, L.P. to use asphalt rather than concrete for temporary parking. (City Manager)

Mr. Kramer, representing Southwest Sports Group Baseball, addressed the Council regarding their proposal for a temporary asphalt parking lot on the commercial and residential zoned property. He stated the temporary parking lot, if allowed, would be in place for five (5) years.

He (Kramer) stated that they would charge an assessment per ticket and place in a guarantee fund to replace the parking lot with concrete should the development of residential and commercial properties not occur.

Council member Allen moved to approve the request and authorize the City Manager to negotiate an agreement to allow for the temporary asphalt parking and placement of funds into a guarantee fund. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

10. Consider and act upon approval of a Non-Disturbance Agreement by and between the City of Frisco and Southwest Sports Group Baseball, L.P. (City Manager)

Council member Allen subject to approve a Non-Disturbance Agreement by and between the City of Frisco and Southwest Sports Group Baseball, L.P. subject to the City Attorney's review and approval. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

11. Discussion regarding street names in Frisco Sports Complex. (City Manager)

Discussion only, no formal action was taken. The item will be brought back to the Council at the December 3, 2002 Meeting.

12. APPEAL - Public Hearing: Sign Variance V2002-0015. Consider and act upon approval of a request for a variance to the requirements for a wood frame sign on one lot on 19.8+ acres on the southwest corner of Legacy Drive and Town & Country Boulevard. Neighborhood #33. Applicant(s): The Shaddock Companies. (Planning)

Doug Mousel updated the Council on the Staff and Planning and Zoning Commissions' recommendations for denial.

Council member Allen moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Peter Shaddock was present to address the Council regarding the appeal of the Planning & Zoning Commission's recommendation for denial of the wood frame sign on one lot on 19.8 acres, more or less, on the southwest corner of Legacy Drive and Town & Country Blvd. Mr. Shaddock stated that he had obtained permission from the landowner to install the sign.

He (Shaddock) requested the sign be installed as a temporary sign until the installation of Spring Creek Parkway and/or S.H. 121. He stated that the proposed sign meets the four criteria as outlined in the City's Sign Ordinance for a variance.

Doug Mousel stated that **if** the sign meets three of the four criteria for a variance then the variance might be granted; however, in this case Staff did not feel the sign had met the required criteria.

Mayor Pro-Tem Reveal moved to close the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Nichols moved to **deny** the request. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

13. AT&T Antenna

- A) Public Hearing: Specific Use Permit SUP2002-0016. Consider and act upon approval of a request for a Specific Use Permit for a Commercial Antenna and/or Support Structure over 50 Feet on 2.0± acres on the east side of Hillcrest Road, 675± feet north of College Parkway. Zoned Single Family-5 with Specific Use Permit-32 for an Antenna. Neighborhood #25. Applicant(s): AT&T Wireless Services. (Planning)

Doug Mousel updated the Council on staff and the Planning and Zoning Commissions' recommendations.

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

There being no one else present to address the council, Council member Allen moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Allen moved to approve the SUP as requested. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

- B) Consider and act upon approval of a Revised Site Plan: Hillcrest/College Addition, Block 1, Lot 1. An elevated water tower with cellular antenna arrays on one lot on 2.0± acres on the east side of Hillcrest Road, 675± feet north of College Parkway. Zoned Single Family-5 with Specific Use Permit-32 for an Antenna. Requested zoning is a Specific Use Permit for a Commercial Antenna and/or Antenna Support Structure. Neighborhood #25. Tabled 9/24/02. Applicant(s): AT&T Wireless Services. (Planning)

Council member Allen moved to approve the request. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

14. Public Hearing: Specific Use Permit SUP2002-0020. Consider and act upon approval of a request to amend a Specific Use Permit for a Child Day Care Center on 2.4± acres on the south side of Warren Parkway, 700+ feet west of Hillcrest Road. Zoned Commercial-1 with a Specific Use Permit-127 for a Child Day Care Center. Neighborhood #29. Applicant(s): Devinder Rondahawa. (Planning)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Doug Mousel updated the Council on staff and the Planning and Zoning's recommendations.

Council member West moved to close the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Council member Allen moved to approve the request. Council member West seconded the motion. Motion carried. Vote: unanimous.

15. Consider and act upon approval of a Revised Site Plan: Cobb Business Park Addition, Block B, Lot 1. A private school and day care on 1.6+ acres on one lot on the northwest corner of North County Road and Dena Drive. Zoned Planned Development-97 with Specific Use Permit 122 for a day care. Neighborhood #11. Applicant(s): Sand Castle Private School. (Planning)

Doug Mousel updated the Council on staff and the Planning and Zoning's recommendations. He informed the Council of the applicant's request to use

Following discussion, Deputy Mayor Pro-Tem Maso moved to approve the request. Council member Lafata seconded the motion. Motion carried. Voting Aye: Council member Allen, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Lafata and Council member West. Voting Nay: Council member Nichols. Motion carried. Vote: 5-1.

16. Plantation Square:

- A) Public Hearing: Specific Use Permit SUP 2002-0011. Consider and act upon approval of a request for a Specific Use Permit for a mini-warehouse on one lot on 4.9± acres located on the north side of College Parkway, 270± west of Coit Road. Zoned Commercial-1. Neighborhood #25. Applicant(s): Frisco Storage Partners, LP. (Planning)

Council member Allen moved to open the public hearing. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Doug Mousel informed the Council, due to a family emergency, the applicant had requested the item be tabled until the December 3, 2002 Meeting.

Following discussion, Council member Allen to **continue the public hearing** until the December 3, 2002 meeting. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

- B) Consider and act upon approval of a Preliminary Site Plan: Plantation Square, Block A, Lots 1-3. A mini-warehouse facility and three retail buildings on 9.3± acres on the northwest corner of Coit Road and College Parkway. Zoned Commercial-1. Requested zoning is a Specific Use Permit for a Mini-

Warehouse. Neighborhood #25. Applicant(s): Frisco Storage Partners, LP. (Planning)

Mayor Pro-Tem Reveal moved to **defer** the item until the December 3, 2002 meeting. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

17. Public Hearing: Consider and act upon approval of a Replat, Final Plat, and Site Plan: Holiday Inn Express Addition, Block 1, Lot 1 and 2R. A minor automobile establishment and an existing hotel on two lots on 2.5+ acres on the east side of Preston Road, 264+ feet north of John Hickman Parkway. Zoned Planned Development-82-Commercial-1. Neighborhood #29. Applicant(s): Overseas Service Haus Inc. & Holiday Inn. (Planning)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Doug Mousel updated the Council on staff and the Planning and Zoning's recommendations.

The applicant was present to address the Council requesting their approval of the Replat, Final Plat and Site Plan of Holiday Inn Express Addition, Block 1, Lot 1 and 2R.

Following discussion, Council member Nichols moved to approve the request. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

18. Young Scholars Montessori Academy, LLC.:

A) Public Hearing: Specific Use Permit SUP2002-0019. Consider and act upon approval of a request for a Specific Use Permit for a Child Day Care Center on 2.1± acres on the east side of Teel Parkway, 830± feet south of Eldorado Parkway. Zoned Commercial-1. Neighborhood #45. Applicant(s): Young Scholars Montessori Academy, LLC. (Planning)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

There being no one else present to address the council, Council member West moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal moved to approve the request. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

B) Consider and act upon approval of a Preliminary Site Plan & Conveyance Plat: Young Scholars Teel Addition, Block A, Lots 1-3. A retail building, child day care center and private school, and a veterinary clinic on three lots on 5.9± acres on east side of Teel Parkway, 830± feet south of Eldorado Parkway. Zoned Commercial-1. Requested zoning is a Specific Use Permit for a Child Day Care Center. Neighborhood #45. Applicant(s): Young Scholars Montessori Academy, LLC. (Planning)

Mayor Pro-Tem Reveal moved to approve the Preliminary Site Plan & Conveyance Plat: Young Scholars Teel Addition, Blk A, Lots 1-3. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

19. Griffin Parc, Phase 5:

A) Public Hearing: Zoning Case Z2002-0023. Consider and act upon approval of a request to rezone 3.5± acres (Tract 1) located 1,150± feet east of Teel Parkway and 2,850± feet south of Eldorado Parkway from Single Family-3 to Single Family-4 and 9.3± acres (Tract 2) located on the west side of Legacy Drive, 750± feet south of Eldorado Parkway from Patio Home to Single Family-5. Neighborhood #45. Applicant(s): Shaddock Developers, LTD. (Planning)

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

The applicant was present to address the Council requesting their approval of the request.

There being no one else present to address the council, Council member Allen moved to close the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal moved to recess into closed session at 9:20 p.m. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Mayor Simpson announced the Council was in Closed Session at 9:20 p.m. as authorized by Texas Government Code Section 551.071 for private consultation with the attorney for the City.

Council member Allen moved to reconvene into Regular Session at 10:00 p.m. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

Richard Abernathy, City Attorney, asked the applicant if there were any agreements reached between the applicant and staff. Mr. Abernathy questioned the applicant again to be certain that he understood the recommendations from the Staff were given in their professional expertise and not a guarantee or agreement of the request to rezone the property.

Mayor Pro-Tem Reveal moved to **deny** the request as submitted. Council member West seconded the motion. Motion carried. Vote: 4-2. Voting Aye: Mayor Pro-Tem Reveal, Council member Allen, Council member Nichols, and Council member West. Voting Nay: Deputy Mayor Pro-Tem Maso and Council member Lafata.

Mayor Pro-Tem Reveal moved to **rescind** her motion. Council member West seconded the motion. Original motion was **rescinded**.

Mayor Pro-Tem Reveal moved to direct staff to prepare a Planned Development Ordinance that would allow: (1) a base zoning of SF-3 with lot sizes as represented by applicant (8.5' side yards) and placed in a Planned Development and (2) Tract 2 to be rezoned from PH to SF-5. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

In making the motion, it was understood that the ordinance would be brought back to Council at the second meeting in December to finalize the rezoning.

- B) Consider and act upon approval of a Final Plat: Griffin Parc, Phase 5. 119 Single Family-4 lots on 35.9± acres on the east side of Teel Parkway, 3,100± feet south of Eldorado Parkway. Zoned Single Family-4 and Single

Family-3. Requested zoning is Single Family-4. Neighborhood #45.
Applicant(s): Shaddock Developers, LTD. (Planning)

The applicant waived his thirty-day right to approval of the Final Plat.

Mayor Pro-Tem Reveal moved to accept the thirty-day waiver. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

20. Public Hearing: Zoning Case Z2002-0022. Consider and act upon approval of a request to rezone 81.3± acres located at the southeast corner of Eldorado Parkway and Legacy Drive from Commercial-1 (36.1± acres) and Agricultural (45.2± acres) to Planned Development-Retail. Neighborhood #46. Applicant(s): Eldorado Legacy, LTD. (Planning)

Council member Allen moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Dave Denison, representing the applicant, was present to address the Council seeking their approval of the request to rezone 81.3 acres, more or less, at the southeast corner of Eldorado Parkway and Legacy Drive. He requested the rezoning be from Commercial -1 on 36.1± acres and from Agriculture on 45.2 ± acres to a Planned Development with Retail.

Council member Allen moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Allen moved to approve the request subject to the adoption of the Planned Development Ordinance. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

21. Public Hearing: Subdivision Ordinance Amendment SA2002-0006. Consider and act upon approval of a request to amend the penalty clause of the Subdivision Ordinance to increase fines for violating the ordinance. Applicant(s): City of Frisco. (Planning)

Director of Planning John Lettelleir recommended an amendment to the penalty clause of the Subdivision Ordinance to increase fines for violation of the City's Subdivision Ordinance.

Council member Allen moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

There being no one else present to address the council, Deputy Mayor Pro-Tem Maso moved to close the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Deputy Mayor Pro-Tem Maso moved to approve the request subject to the adoption of the Ordinance amending the Subdivision Regulation Ordinance. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

22. Consider and act upon approval of an amendment to Ordinance #02-02-23 of 2000 International Building Code, Section 104.9 to regulate approved materials and requirements for fences in all zoning districts in the City of Frisco, Texas. (Building Inspections)

Donnie Mayfield was present to address the Council regarding the lack of a City Ordinance that regulates the materials and requirements for fencing in all zoning districts within the City.

Following discussion, Council member Allen moved to adopt **Ordinance No. 02-11-130** therein amending Ordinance No. 02-02-23 of the 2000 International Building Code, Section 104.9 to regulate approved materials and requirements for fences in all zoning districts within the City.

Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

23. Public Hearing regarding adoption of General Service Rates for TXU Gas. (City Manager's Office/JG)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Assistant City Manager Jason Gray was present to answer questions from the council.

Mayor Pro-Tem Reveal moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

24. Consider and act upon adoption of an Ordinance adopting General Service Rates including rate adjustment provisions and miscellaneous service charges to be charged for sales and transportation of natural gas to residential, commercial, and industrial customers. (City Manager's Office/JG)

Council member Allen moved to adopt **Ordinance No. 02-11-131** therein adopting the General Service Rates including rate adjustment provisions and miscellaneous service charges to be charged for sales and transportation of natural gas to residential, commercial, and industrial customers. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

25. PUBLIC HEARING for the designation of a new Reinvestment Zone and the feasibility and practicality of the improvements sought within the Zone of Reinvestment Zone No. 3. (City Secretary)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

There being no one else present to address the council, Deputy Mayor Pro-Tem Maso moved to close the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

26. Consider and act upon adoption of an Ordinance establishing Reinvestment Zone No. 3. (City Secretary)

Deputy Mayor Pro-Tem Maso moved to adopt **Ordinance No. 02-11-132** therein establishing Reinvestment Zone No. 3. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

27. Consider and act upon the approval of Tax Abatement Agreement by and between the City of Frisco, Texas and Medland and adopt a Resolution authorizing the City Manager to sign the Agreement. (City Secretary)

Deputy Mayor Pro-Tem Maso moved to adopt **Resolution No. 02-11-177R** therein approving the Tax Abatement Agreement by and between the City of Frisco, Texas and Medland authorizing the City Manager to sign the Agreement. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

28. PUBLIC HEARING for the proposed expansion of the boundaries of the Reinvestment Zone Number One, the Amendment of the Project Plan and Financing Plan for the Zone and the Benefits thereof to the

City and to the property within the zone (Reinvestment Zone No. 1)
(City Secretary)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Jason Gray was present to explain the proposed expansion of the boundaries of Reinvestment Zone No. 1. Mr. Purefoy requested the Council consider adding properties to Reinvestment Zone No. 3 into the project plan for a convention center and soccer complex.

There being no one else present to address the council, Council member Allen moved to close the public hearing. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

29. PUBLIC HEARING on the advisability of creating a Public Improvement District for an area south of future Panther Creek Parkway, north of Eldorado Parkway, west of future Coit Road, and east of SH 289. (City Secretary)

Richard Abernathy reviewed the request with the Council. He explained that the City had received a petition from Panther Creek Ventures, Ltd. for the creation of a Public Improvement District for an area south of future Panther Creek Parkway, north of Eldorado Parkway, west of future Coit Road, and east of SH 289.

Mr. Abernathy presented a letter to the Council from John Cox and requested the Council recess into Closed Session.

Mayor Pro-Tem Reveal moved to recess into Closed Session at 10:20 p.m. Council member West seconded the motion. Motion carried. Vote: unanimous.

Mayor Simpson announced the Council was in Closed Session at 10:20 p.m. as authorized by Texas Government Code Section 551.071 for private consultation with the City Attorney.

Mayor Pro-Tem Reveal moved to reconvene into Regular Session at 10:30 p.m. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Carey Cobb, representing the landowner, was present to address the Council regarding the creation of a Public Improvement District for an area south of

future a Panther Creek Parkway, north of Eldorado Parkway, west of future Coit Road, and east of SH 289.

There being no one else present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Mayor Pro-Tem Reveal **rescinded** her motion to close the public hearing.

Mayor Pro-Tem Reveal moved to continue the public hearing until the December 17, 2002 Meeting. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Following discussion the Council agreed to schedule a work session on December 10, 2002 at 4:30 p.m. at Frisco City Hall, Conference Room to meet with the Frisco PID Advisory Board.

30. Consider and act upon adoption of a Resolution authorizing the creation of Public Improvement District for an area south of future Panther Creek Parkway, north of Eldorado Parkway, west of future Coit Road, and east of SH 289. (City Secretary)

Deputy Mayor Pro-Tem Maso moved to **table** the item until December 17, 2002. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

31. Consider and act upon City's response to challenge on 4A & 4B Sales Tax. (City Manager)

Council member Allen moved to pass on the item until a later date. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

32. Discussion regarding start time of executive session for regular City Council Meetings. (City Council)

Council discussed the format of Regular City Council Meetings and agreed to begin the Meetings with at 5:30 p.m., recessing into Closed Session at the beginning of the meeting, and convening for open session at 6:30 p.m. The change is to begin at December 3, 2002 Regular Meeting.

33. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Agreement by and between the City of Frisco and Carter-Burgess for the development of a Comprehensive Parks and Recreation Master Plan. (Parks and Recreation)

Rick Wieland was present to address the Council. Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-11-178R** therein

authorizing the City Manager to execute an Agreement by and between the City of Frisco and Carter-Burgess for the development of a Comprehensive Parks and Recreation Master Plan. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

34. Consider and act upon approval of the park master plan for the Southeast Community Park as recommended by the Frisco Community Development Corporation and the Frisco Parks and Recreation Board. (Parks and Recreation)

Council member Allen moved to approve the park master plan for the Southeast Community Park. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

35. Consider and act upon adoption of a Resolution authorizing the City Manager to enter into negotiations for Construction Management Services by and between the City of Frisco and Lee Lewis for City Hall. (City Manager's Office/SY)

Assistant City Manager Scott Young was present to address Items No. 35. – 46. Mr. Young informed the Council that there had been numerous companies that had replied to the Request for Proposals for the projects that had been approved at the September 2002 Bond Election.

Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-11-179R** therein authorizing the City Manager to enter into negotiations for Construction Management Services by and between the City of Frisco and Lee Lewis for the construction of a new City Hall. Council member West seconded the motion. Motion carried. Vote: unanimous.

36. Consider and act upon adoption of a Resolution authorizing the City Manager to enter into negotiations for Construction Management Services by and between the City of Frisco and Lee Lewis for Senior Center. (City Manager's Office/SY)

Council member West moved to adopt **Resolution No. 02-11-180R** therein authorizing the City Manager to enter into negotiations for Construction Management Services by and between the City of Frisco and Lee Lewis for Senior Center. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

37. Consider and act upon adoption of a Resolution authorizing the City Manager to enter into negotiations for Construction Management Services by and between the City of Frisco and Thomas S. Byrne for Public Works. (City Manager's Office/SY)

Council member West moved to adopt **Resolution No. 02-11-181R** therein authorizing the City Manager to enter into negotiations for Construction Management Services by and between the City of Frisco and Thomas S. Byrne for Public Works facility. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

38. Consider and act upon adoption of a Resolution authorizing the City Manager to enter into negotiations for Construction Management Services by and between the City of Frisco and AUI for Southeast Community Park. (City Manager's Office/SY)

Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-11-182R** therein authorizing the City Manager to enter into negotiations for Construction Management Services by and between the City of Frisco and AUI for Southeast Community Park. Council member West seconded the motion. Motion carried. Vote: unanimous.

39. Consider and act upon adoption of a Resolution authorizing the City Manager to enter into negotiations for Construction Management Services by and between the City of Frisco and Lee Lewis for Recreation/Aquatic Center. (City Manager's Office/SY)

Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-11-183R** therein authorizing the City Manager to enter into negotiations for Construction Management Services by and between the City of Frisco and Lee Lewis for Recreation/Aquatic Center. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

40. Consider and act upon adoption of a Resolution authorizing the City Manager to enter into negotiations for Construction Management Services by and between the City of Frisco and Lee Lewis for Police/Holding Facility. (City Manager's Office/SY)

Council member West moved to adopt **Resolution No. 02-11-184R** authorizing the City Manager to enter into negotiations for Construction Management Services by and between the City of Frisco and Lee Lewis for Police/Holding Facility. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

41. Consider and act upon adoption of a Resolution authorizing the City Manager to enter into negotiations by and between the City of Frisco and AUI for Construction Management Services for McKinney Road Park. (City Manager's Office/SY)

Council member Allen moved to adopt **Resolution No. 02-11-185R** authorizing the City Manager to enter into negotiations for Construction Management Services by and between the City of Frisco and Lee Lewis for Police/Holding Facility. Mayor moved to Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

42. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Agreement for Architectural Design Services by and between the City of Frisco and HHPA for City Hall. (City Manager's Office/SY)

Council member West moved to **table** the item. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

43. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Agreement for Architectural Design Services by and between the City of Frisco and Quorum Architects for a Public Works Facility. (City Manager's Office/SY)

Council member West moved to **table** the item. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

44. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Agreement for Architectural Design Services by and between the City of Frisco and PGAL for Police/Holding Facility. (City Manager's Office/SY)

Council member West moved to **table** the item. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

45. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Agreement for Architectural Design Services by and between the City of Frisco and F&S Partners for a Recreation/Aquatic Center. (City Manager's Office/SY)

Council member West moved to **table** the item. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

46. Consider and act upon accepting bid number 0209-040 from Osage Aggregates in the amount of \$1,309,977.43 for improvements to North County Road and adopt a Resolution authorizing the City Manager to execute an agreement by and between the City of Frisco and Osage Aggregates for Construction Services. (Engineering)

City Engineer Frank Jaromin was present to review the bid received from Osage. Mr. Jaromin recommended that the lighting not be approved at this time; however, he stated that the conduit would be installed. Mr. Jaromin stated the project would begin after the first of the year and completed by August 2003.

Following discussion, Council member Allen moved to adopt **Resolution No. 02-11-186R** therein awarding the bid for improvements to Osage in the amount of \$1,220,820.43 (Base Bid and Alternate B).

47. Consider and act upon authorizing Mario Sinacola & Sons Excavation, Inc. the construction of Section 2BP Paving, and Burnham Street in the amount of \$903,000.00. (City Manager's Office/SY)

Mayor Pro-Tem Reveal moved to authorize Mario Sinacola & Sons Excavation, Inc. to construct Section 2BP Paving and Burnham Street in the amount of \$903,000.00 subject to the concrete being compatible with the future parking structures. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

48. Governance Agenda

Monthly Governance Monitoring Reports

Discussion only, no formal action was taken.

49. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code.

Council member Allen moved to recess into Closed Session at 12:00 a.m. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Mayor Simpson announced the Council was in Closed Session at 12:00 a.m. as authorized by Texas Government Code, to wit:

- (1) Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.

- (2) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
- (i) south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289, south of Stonebrook Parkway, north of Wade Blvd., east of Parkwood Blvd., and west of Preston Road, south of FM 3537, north of Rolater Road, east of Preston Road, and west Hillcrest Road.
 - (ii) The purchase of 0.4± acre of land south of Eldorado Parkway, east of Preston Road.
- (3) Section 551.074. Evaluation of City Manager.
- (4) Section 551.071. Discussion with City Attorney regarding pending litigation with the City of Frisco.

50. Reconvene into Regular Session and take any action necessary as a result of the Closed Session

Mayor Pro-Tem Reveal moved to reconvene into Regular Session at 12:20 a.m. Council member West seconded the motion. Motion carried. Vote: unanimous.

51. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda

Council and staff discussed items as a result of the meeting. Staff was directed to place directives on the project tracking report.

52. Discussion on Governance Monitoring of present City Council Meeting

Council member Allen monitored the present Council Meeting. He stated the Council had all agreed to have a work session on the Main Street project and then continued to discuss the item for 45 minutes. His overall review of the Meeting was good. Discussion only, no formal action was taken.

53. Adjourn

There being no additional business, the meeting was adjourned at 12:28 a.m.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary

